

REMARKS

Claims 1-48 are pending in this application. Applicant respectfully requests entry of the following remarks.

Claim Rejections under 35 U.S.C. 102(e)

Claims 1-4, 9, 16, and 22-25 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Markow (U.S. Patent No. 6,925,188). Applicant respectfully submits that pending Claims 1-4, 9, 16, and 22-25 are allowable over the prior art of record as discussed below.

Independent Claims 1, 2, and 24

Independent Claim 1

Independent Claim 1 recites, *inter alia*, “a rail configured to be attached to the surface ..., wherein the rail is not coupled to either the display device or the housing of the display device, and wherein the surface comprises the outer surface of a wall.” Applicant respectfully submits that Markow does not disclose at least these features.

Markow generally discloses a ported speaker enclosure for use in a portable computer (Abstract). FIG. 1, produced below, shows the ported speaker enclosure E in a portable computer.

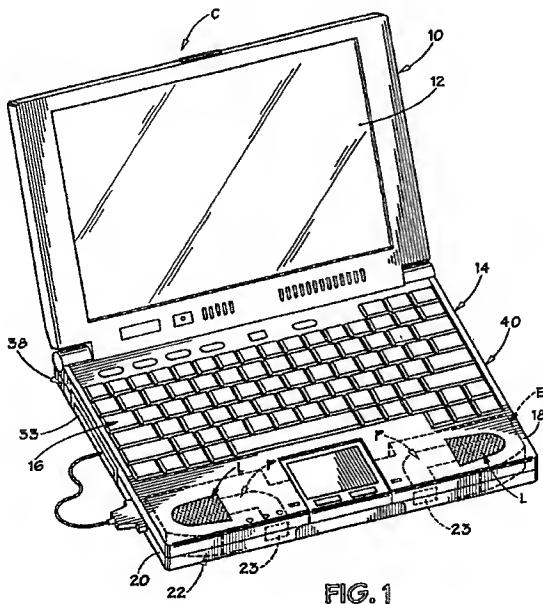


FIG. 1

The computer case C contains a computer system (column 2, lines 36-38). As shown in FIG. 1, the computer case C includes an upper shell 10 and a lower shell 14 that are integrally coupled together. The upper shell 10 houses the display screen 12. The lower shell 14 houses a keyboard 16 and other components such as the ported speaker enclosure E in the preferred embodiment (column 2, lines 42-44). In another embodiment, the ported speaker enclosure E is housed in the upper shell 10 (column 2, lines 57-60).

As is illustrated in Figure 1, all of the components of the computer system are integral to the computer system and housed within either the upper shell 10 or the lower shell 14 of the computer case C. Therefore, the upper shell 10 and the lower shell 14 make up integral parts of the computer case C that must be coupled together so that the components therein remain connected in order to function as a computer system. Thus, the display screen 12 and the ported speaker enclosure E are both housed in the same housing, which is the computer case C. The upper shell 10 and the lower shell 14 are merely portions of that housing and are integrally connected together. Accordingly, Markow fails to disclose “the rail is not coupled to either the display device or the housing of the display device,” as recited in Claim 1. The assembled computer system includes the ported speaker enclosure E and the display screen 12 in the computer case C and they are, therefore, not separable from each other, meaning they are coupled together. In addition, the ported speaker enclosure E is designed to fit in a computer case C, not to be attached to a wall, such as the wall of a home or other building. Therefore, Markow fails to disclose “the surface comprises the outer surface of a wall,” as recited in Claim 1. Thus, Markow does not disclose all of the features of Claim 1.

Independent Claim 2

Independent Claim 2 recites, *inter alia*, “a modular mounting system for audio-visual components ... comprising” “a rail wherein the rail is configured to be attached to a surface other than surfaces of the display device, wherein the surface comprises the outer surface of a wall, wherein the rail is separate from the display device and the housing of the display device.” Applicant respectfully submits that Markow does not disclose at least these features.

As discussed above with respect to Claim 1, Markow fails to disclose a rail configured to be attached to the outer surface of a wall. Markow further fails to disclose the rail is separate

Application No.: 10/786,576
Filing Date: February 24, 2004

from the display device and the housing of the display device. Thus, Markow does not disclose all of the features of Claim 2.

Independent Claim 24

Independent Claim 24 recites, *inter alia*, “A method of mounting audio-visual components for use with a display device comprising a housing, to a surface separate from the display device, comprising: securing a rail to the surface, the surface comprising the outer surface of a wall.” Applicant respectfully submits that Markow does not disclose at least these features.

As discussed above with respect to Claim 1, Markow fails to disclose securing a rail to the outer surface of a wall. Markow further fails to disclose mounting audio-visual components for use with a display device comprising a housing, to a surface separate from the display device. Therefore, Markow does not disclose all of the features of Claim 24.

Conclusion

As discussed above, each of independent Claims 1, 2, and 24 include features not disclosed by Markow. Accordingly, Applicant respectfully submits that each of independent Claims 1, 2, and 24 are allowable over Markow for at least the reasons stated above.

Dependent Claims 3, 4, 9, 16, 22, 23, and 25

Claims 3, 4, 9, 16, 22, 23, and 25 each depend from one of independent Claims 1, 2, or 24, and further define additional features. In view of the patentability of their base claim, and in further view of the additional features, Applicant respectfully submits that the dependent claims 3, 4, 9, 16, 22, 23, and 25 are patentable over the applied prior art.

Claim Rejections under 35 U.S.C. 103(a)

Claims 5 and 29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Markow and Donohoe (U.S. Patent No. 5,737,123).

Claims 10, 17, 37, and 44 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Markow and Simon (U.S. Patent No. 2001/0027560 A1).

Application No.: 10/786,576
Filing Date: February 24, 2004

Claims 6-8, 11-15, 18-21, 26-28, 30-36, 38-43, and 45-48 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Markow.

Applicant respectfully submits that pending Claims 5-8, 10-15, 17-21, and 26-48 are allowable over the prior art of record as discussed below.

Dependent Claims 5-8, 10-15, and 17-21

Each of Claims 5-8, 10-15, and 17-21 depend from one of independent Claims 1 or 2, and further define additional features. As discussed above, Markow fails to disclose all of the features of independent Claims 1 and 2. Further these features would not have been obvious to one of ordinary skill in the prior art. In addition, the remaining applied prior art does not cure these deficiencies in Markow. Therefore, the combination of the prior art references does not teach or suggest all of the features of Claims 1 and 2. Thus, in view of the patentability of their base claim, and in further view of the additional features, Applicant respectfully submits that the dependent claims 5-8, 10-15, and 17-21 are patentable over the applied prior art.

Independent Claims 26, 33, and 35

Independent Claim 26

Independent Claim 26 recites, *inter alia*, “a rail wherein the rail is configured to only be attached to a surface other than surfaces of the display device and the housing of the display device, the surface comprising the outer surface of a wall.” Applicant respectfully submits that the applied art, alone or in combination, teaches or suggests at least the above-indicated features.

As discussed above with respect to Claim 1, the cited art fails to teach or suggest a rail configured to only be attached to the outer surface of a wall. Therefore, the combination of the prior art references does not teach or suggest all of the features of Claim 26.

Independent Claim 33

Independent Claim 33 recites, *inter alia*, “a rail ... configured to be secured to an outer surface of the wall independent from the display device.” Applicant respectfully submits that the applied art, alone or in combination, teaches or suggests at least the above-indicated features.

Application No.: 10/786,576
Filing Date: February 24, 2004

As discussed above with respect to Claim 1, the cited art fails to teach or suggest a rail configured to be secured to the outer surface of a wall. Therefore, the combination of the prior art references does not teach or suggest all of the features of Claim 33.

Independent Claim 35

Independent Claim 33 recites, *inter alia*, “a rail configured to be secured to an outer surface of the wall independent from the display device.” Applicant respectfully submits that the applied art, alone or in combination, teaches or suggests at least the above-indicated features.

As discussed above with respect to Claim 1, the cited art fails to teach or suggest a rail configured to be secured to the outer surface of a wall. Therefore, the combination of the prior art references does not teach or suggest all of the features of Claim 35.

Conclusion

As discussed above, each of independent Claims 26, 33, and 35 include features not taught or suggested by the combination of the applied prior art. Accordingly, Applicant respectfully submits that each of independent Claims 26, 33, and 35 are allowable over the applied prior art for at least the reasons stated above.

Dependent Claims 27-32, 34, and 36-48

Claims 27-32, 34, and 36-48 each depend from one of independent Claims 26, 33, or 35, and further define additional features. In view of the patentability of their base claim, and in further view of the additional features, Applicant respectfully submits that the dependent claims 27-32, 34, and 36-48 are patentable over the applied prior art.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other

Application No.: 10/786,576
Filing Date: February 24, 2004

broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

Any remarks in support of patentability of one claim should not be imputed to any other claim, even if similar terminology is used. Additionally, any remarks referring to only a portion of a claim should not be understood to base patentability on solely that portion; rather, patentability must rest on each claim taken as a whole. Applicant respectfully traverses each of the Examiner's rejections and each of the Examiner's assertions regarding what the prior art discloses or teaches, even if not expressly discussed herein.

Applicant has not presented all arguments concerning whether the applied references can be properly combined in view of the clearly missing elements noted above, and Applicant reserves the right to later contest whether a proper reason exists to combine these references and to submit evidence relating to secondary considerations supporting the non-obviousness of the apparatuses/methods recited by the pending claims.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicants' attorney in order to resolve such issue promptly.

Application No.: 10/786,576
Filing Date: February 24, 2004

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: January 13, 2010

By: 
James F. Herkenhoff
Registration No. 51,241
Attorney of Record
Customer No. 20,995
(619) 235-8550

8373293